IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WP(C).No. 11755 of 2007(Y)

PETITIONER:

THE MANAGER,
NATIONAL L.P.SCHOOL, MANALI,
THRISSUR DIST.

BY ADV. SRI.KRB.KAIMAL (SR.)
SRI.G.D.PANICKER
SMT.JEENA JOSEPH
SRI.PRAMJI PAUL VAZHAPPILLY

RESPONDENTS:

THE SECRETARY TO GOVT.,
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. A.J. VARGHESE
SRI. C.P.S. PRASAD, A.G.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NO. 11755 OF 2007

Dated this the 4th day of July, 2007

J U D G M E N T

Petitioner is stated to be the manager of National Lower Primary School at Manali in Thrissur District, which is an aided institution.

2. The primary prayer in this writ petition is to issue a direction to the respondent to consider petitioner's request for upgradation of his institution as Upper Primary School.

3. It is seen from the materials available on record that petitioner has been clamouring for upgradation for the last several years. Hist last request was turned down by the Government on the ground that there was “no policy for upgradation due to financial stringency.” It is brought to my notice that in W.A. No.87/2004 (Ext.P7) a Division Bench of this Court had directed the Government to consider the request of the petitioner once it formulates its policy in the matter. Since Ext.P12 guidelines have now been issued by the Government, it is submitted on behalf of the petitioner that the

request made by the petitioner may be directed to be reconsidered in the light of Ext.P7 judgment of the Division Bench as well as the order of the Supreme Court in Ext.P9.

In the above facts and circumstances, this writ petition is disposed of with a direction to the respondent to consider and pass orders on the application submitted by the petitioner for up gradation of his school as Upper Primary School. While passing orders on the application in the light of Ext.P12 order, the respondent shall keep in view Exts.P7 and P9 judgments. An appropriate decision shall be taken in the matter expeditiously after affording sufficient opportunity to the petitioner to be heard.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007